IN THE HIGH COURT OF UTTARAKAHDN AT NAINITAL

Writ Petition No. 352 of 2006 (S/B)

Dr. S.D. Tiwari s/o Late S.K. Tiwari
Presented posted as Lecturer (Botany),
Presently posted at Mahila Mahavidalaya
Haldwani, District Nainital
and others ……. Petitioner

Versus

State of Uttaranchal and others …… Respondents

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Sri Manoj Kumar Singh, Advocate for the petitioners.
Sri J.P.Joshi, Chief Standing Counsel for the respondents 1 to 3

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA C, J. (Oral)

Sri Manoj Kumar Singh, Advocate for the petitioner.

Sri J.P. Joshi, Chief Standing Counsel for the respondents 1 to 3.

None for respondents 4 to 9.

2. Mr. J.P. Joshi, the learned Chief Standing Counsel has raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioners have an alternative efficacious remedy of filing a claim petition before the Public Service Tribunal for the redressal of their grievances projected in the writ petition.

3. Sri Manoj Kumar Singh, the learned counsel for the petitioner could not demonstrate as to how the alternative remedy of filing a claim petition before the Public Services Tribunal is not efficacious in the present case.

4. In this view of the matter and following the Division Bench decisions in the case of **Bhuvan Chandra Pandey and others Vs. State of Uttaranchal & others** reported in **2006(2) U.D. 439**

and **Nanda Ballabh Pant Vs. State of Uttaranchal & others (W.P.No. 257 (S/B) 2005),** we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

5. The writ petition, therefore, is liable to be dismissed.

6. The writ petition, therefore, is dismissed with the liberty to the petitioners to avail the alternative remedy of filling a claim petition before the Public Services Tribunal for the redressal of the petitioner's grievances projected in the writ petition and also to seeks condonation of the delay in filing the claim petition on the ground that the petitioner was pursuing this writ petition under *bonafide* belief.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**
27.04.2007 27.04.2007

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